

National Renewable Energy Laboratory Technology Partnerships Ombuds Program Design and Implementation Plan

Technology Partnerships Ombuds Program Design

Program Purpose

- The National Renewable Energy Laboratory's (NREL) Technology Partnerships Ombuds Program is responsible to provide a neutral, confidential resource for outside organizations to voice concerns and resolve disputes regarding NREL's policies and actions with respect to technology partnerships.

Program Objectives

NREL's Technology Partnerships Ombuds Program has the following objectives:

- Assist the public and industry to resolve complaints and disputes with NREL regarding its technology partnerships.
- Coordinate with the appropriate offices of the Department of Energy to address issues raised by the public and industry regarding DOE policies, regulations, and actions that impact NREL's technology partnerships.
- Promote the use of collaborative alternative dispute resolution techniques to facilitate an effective and informal resolution of complaints and disputes regarding NREL's technology partnerships.
- Report to the Department of Energy annually on the number and nature of complaints and disputes raised and provide an assessment of the resolutions achieved. (Consistent with the protection of confidential and sensitive information.)

Program Scope

- The scope of NREL's Technology Partnerships Ombuds Program encompasses the following types of technology partnership agreements:
 - (1) Cooperative Research and Development Agreements,
 - (2) Work for Others Agreements (both federal and nonfederal), and
 - (3) Patent License Agreements.
- The Technology Partnerships Ombuds Program provides a tool to facilitate the resolution of conflicts and disputes when the parties directly affected are unable to resolve the problems and conflicts themselves. The program does not provide a venue for outside organizations to circumvent the negotiation strategies, regulatory compliance, or business practices of the NREL organizations charged with the day-to-day negotiation, approval, execution, and management of technology partnerships between NREL and outside organizations.

- The Technology Partnerships Ombuds Program does not replace and is not a substitute for employee assistance programs provided to NREL employees, visitors, and special program participants by the Human Resources and Legal Offices. The Technology Partnerships Ombuds Program does not replace public and industry assistance programs provided under the Competition Advocate Program or available to subcontractors and vendors through the Contracts and Business Services Office. These complementary assistance programs provide neutral, confidential resources for dispute resolution to constituencies outside of technology partnerships and for a wide array of conflicts, controversies, disputes, and ethical issues.
- The Technology Partnerships Ombuds Program includes a recusal process in the event that the Technology Partnerships Ombuds has had previous substantive involvement with the negotiation and development of a disputed technology partnership agreement and is therefore unable to serve in a neutral capacity.

Program Stakeholders

- The following organizations and functions comprise the NREL stakeholders who have an interest in or may be affected by the Technology Partnerships Ombuds Program:
 - (1) Technology Partnerships division of the Contracts and Business Services Office,
 - (2) Technology Transfer division of the Deployment Support Office,
 - (3) Intellectual Property division of the Legal Office, and
 - (4) Ethics and Standards of Conduct division of the Legal Office.

Role Definitions

• Ombuds

NREL's Technology Partnerships Ombuds is a senior official at NREL, is not involved in day-to-day technology partnerships activities, and reports directly to the NREL Laboratory Director for purposes of the Technology Partnerships Ombuds Program. The Ombuds' role is to:

- Provide a confidential, neutral and informal process to assist in the fair and equitable resolution of complaints and disputes raised by outside organizations regarding NREL's technology partnerships.
- Serve as an information and communication resource, feedback channel, advisor, and change agent regarding NREL's technology partnerships.
- Promote the use of collaborative alternative dispute resolution techniques to facilitate resolution of complaints and disputes regarding NREL's technology partnerships.

• Technology Partnership Ombuds Champion

The NREL Laboratory Director is the champion of the Technology Partnerships Ombuds Program. The Director's role is to:

- Advocate the smooth and integrated implementation of the Technology Partnerships Ombuds Program.
- Demonstrate a strong commitment to the Technology Partnerships Ombuds Program and ensure the continued vitality of the program.
- Reviews, on request, whether resolutions have been achieved in accordance with existing laboratory policies and the terms of the Technology Partnerships Ombuds Program.

• Stakeholders

NREL's managers and staff responsible for the initiation, negotiation, execution, administration and technical management of the Laboratory's technology partnership agreements are stakeholders of the Technology Partnerships Ombuds Program. The stakeholders' role is to:

- Participate actively in the development, implementation, and continuous improvement of the Technology Partnerships Ombuds Program.
- Promote the early identification of complaints and disputes raised by outside organizations regarding technology partnership activities.
- Initiate the timely and effective engagement of the Technology Partnerships Ombuds Program.

• Technology Partners

The public and industry organizations that participate in and execute with NREL technology partnership agreements are Technology Partners. The Technology Partners' are to be:

- Advised of the availability of the NREL Technology Partnerships Ombuds Program as a tool to facilitate the early resolution of technology partnerships concerns and complaints at the lowest possible level at NREL.
- Encouraged to collaborate positively in the effective use of the Technology Partnerships Ombuds Program.

Technology Partnerships Ombuds Implementation Plan

Program Initiation

- NREL has initiated the Technology Partnerships Ombuds Program at the laboratory by appointing an Ombuds and developing the program design and implementation plan.
- The Technology Partnerships Ombuds regularly attends information meetings regarding the status of technology partnership agreements at NREL.
- The Technology Partnerships Ombuds will collaborate with the technology partnerships stakeholders to prepare a Technology Partnerships Ombuds Operational Plan to clearly define procedures and processes of the program.

Stakeholder Input

- Technology partnership stakeholders are actively participating in the development, implementation, and continuous improvement of the Technology Partnerships Ombuds Program.
- Technology partnership stakeholders regularly and substantially involve the Technology Partnerships Ombuds in the development of technology partnership policies and procedures.

Skills Training and Networking

- NREL has committed to meeting the training needs of the Technology Partnerships Ombuds by accessing training programs provided by professional organizations such as The Ombudsman Association and the Colorado and American Bar Associations' Sections of Dispute Resolution.
- DOE has provided resources for the establishment and implementation of the Technology Partnerships Ombuds Program at NREL.
- NREL's Technology Partnerships Ombuds is a participant in the DOE/Laboratory Technology Partnerships Working Group.

Publication/Communication

- Availability of and access to the NREL Technology Partnerships Ombuds Program will be publicized at NREL through a variety of sources, including hardcopy, electronic transmission, intranet web page, and upper-level management mandate.
- Availability of and access to the NREL Technology Partnerships Ombuds Program will be publicized to outside organizations through the Internet at the DOE Home Page, the NREL Technology Transfer Home Page, and through the technology partnerships agreements process.
- Availability of and access to the Technology Partnerships Ombuds Program will be brought to the attention of outside organizations by incorporating program specific language into technology partnerships agreements terms and conditions. (Language approval will be obtained from DOE.)

Evaluation and Reporting

- NREL's Technology Partnerships Ombuds Program will be evaluated annually to determine effectiveness, lessons learned, and to obtain feedback oriented toward receiving, evaluating, and implementing suggestions for continuous improvement.
- NREL will report statistical records annually on the number and nature of complaints and disputes raised and provide an assessment of the resolutions achieved, general trends, and suggestions for improvements.